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13 THE HONORABLE ROBERT S. LASNIK
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18 UNITED STATES DISTRICT COURT
19 WESTERN DISTRICT OF WASHINGTON
20 AT SEATTLE
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24 DEVIN A. WHITTIER, individually,
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26 Plaintiff,
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28 v.
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30 HARRIS STEEL, INC., a Delaware
31 corporation; NUCOR, INC. a Delaware
32 corporation; NUCOR STEEL SEATTLE,
33 INC., a Delaware Corporation; HARRIS
34 U.S. HOLDINGS, INC., a Delaware
35 Corporation; HARRIS REBAR
36 SERVICES CORP., INC., a corporation;
37 JANE AND JOHN DOES 1-10,
38
39 Defendants.

40 No. 2:18-cv-00217

41 **STIPULATION AND PROPOSED
42 ORDER FOR DISMISSAL AS TO
43 DEFENDANTS NUCOR STEEL
44 SEATTLE, INC. AND NUCOR
45 CORPORATION**

46 NOTE ON MOTION CALENDAR:
47 November 2, 2018

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49 STIPULATION

50 Plaintiff Devin A. Whittier and Defendants Nucor Corporation and Nucor Steel Seattle,
51 Inc. (collectively, the "Nucor Defendants") stipulate and agree, pursuant to Federal Rule of Civil
Procedure 41(a)(2), that all claims by Plaintiff against the Nucor Defendants shall be dismissed
without prejudice and without costs to either party. The Nucor Defendants further stipulate that
they waive all statute of limitation arguments and defenses to being amended into *Whitter v. Harris
Steel, Inc., et al.*, No. 2:18-cv-00217 and/or *Whittier v. Seattle Tunnel Partners, et al.*, No. 2:17-

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53 **STIPULATION AND ORDER FOR DISMISSAL
54 AS TO NUCOR DEFENDANTS (NO. 18-CV-
55 00217) – 1**

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57 141851360.1



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60 Tacoma, WA 98402
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cv-00751, should Plaintiff discover evidence during the pendency of either lawsuit that establishes facts that potentially support a claim against the Nucor Defendants. No parties object to this stipulation. Voluntary dismissal of all claims against one or more defendants is proper under Rule 41(a)(2). *See Gen. Signal Corp. v. MCI Telecommc'n Corp.*, 66 F.3d 1500, 1513 (9th Cir. 1995) ("Rule 41 is reserved for circumstances in which the result of the alleged dismissal is that one or all of the defendants are released from the action."), cert. denied, 516 U.S. 1146 (1996).

RESPECTFULLY SUBMITTED this 2nd day of November 2018.

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Atorneys for Plaintiff Devin Whittier

ORDER

It is so ordered.

DATED this 6⁺ day of Nov., 2018.


The Honorable Robert S. Lasnik

**STIPULATION AND ORDER FOR DISMISSAL
AS TO NUCOR DEFENDANTS (NO. 18-CV-
00217) – 2**

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